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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,484	03/23/2004	Gary Vacon	160-068	3044

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EXAMINER
SATKIEWICZ, THOMAS E

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
07/16/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/807,484	VACON ET AL.
	Examiner	Art Unit
	Thomas E. Satkiewicz	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 April 2008</u>.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendment filed 04/30/2008 has been entered. Claims 1, 14, 17,

and 18 have been amended. No claims have been cancelled. No Claims have been

added. Claims 1-18 are still pending in this application, with claims 1, 14, 17, and 18

being Independent claims.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2   Claims 1-2, 4-8, 10-15, and 17-18 are rejected under 35 U.S.C. 102(e) as being

anticipated by Hind et al. (US 7,212,828).

3.   With regards to Claim 1, Hind teaches a method of authenticating (Security;
Column 2, Line 38) a client device (Client Device; Column 2, Line 50) for inclusion in a
wireless network (Wifi Network; Column 2, Line 39) including the steps of: responsive to
a user action at the client device (Client Device; Column 2, Line 38) and at one other
device (Client Devices; Column 2, Line 62) in the wireless network (Wifi Network;
Column 2, Line 39), determining a distance (Client Coverage; 308, Fig #2) between the
client device (Client Device; Column 2, Line 50) and the at least one other device
(Client Devices; Column 2, Line 62) in the wireless network (Wifi Network; Column 2,
Line 39); and authenticating (Security; Column 2, Line 38) the client device (Client
Device; Column 2, Line 50) if the distance is within a preselected range (Spatial
Boundary; Column 2, Line 42) of distances that is less than maximum communication
range (Outside the Boundary; Column 2, Line 43) of the network.

4.   With regards to claim 2, Hind teaches a method wherein the user action includes
the transmission (Multiple Directional Antenna Arrays; Column 4, Lines 11-12) of a
signal to the client device (Client Device; Column 2, Line 50).

5.   With regards to claim 4, Hind teaches a method, wherein the transmission (Multiple
Directional Antenna Arrays; Column 4, Lines 11-12) of a signal (Cryptographic Key;
Column 3, Line 17) to the client device (Client Device; Column 2, Line 50) occurs in
response to a radio transmission (Measurement Data; Column 3, Line 5) by the user in
the proximity of the client device (Client Device; Column 2, Line 50).

6.   With regards to claim 5, Hind teaches a method, wherein the radio transmission
(Multiple Directional Antenna Arrays; Column 4, Lines 11-12) by the user is performed
using the at least one other device (Client Devices; Column 2, Line 62) in the wireless
network (Wifi Network; Column 2, Line 39).

7.   With regards to claim 6, Hind teaches a method, wherein the at least one other
device (Client Devices; Column 2, Line 62) is a fob (Digital Signal Processor; Column 5,
Lines 11-12).

8.   With regards to claim 7, Hind teaches a method, wherein the user action includes
the disconnection of power (Disable the Functionality; Column 7, Line 57) from the client
device (Client Device; Column 2, Line 50).

9.   With regards to claim 8, Hind teaches a method, wherein the step of determining the
distance (Spatial Position; Column 4, Line 34) between the client device (Client Device;
Column 2, Line 50) and the at least one other device (Client Devices; Column 2, Line
62) includes the steps of waiting for a received a signal (Angular Readings; Column 4,
Line 57) from the at least one other device (Client Devices; Column 2, Line 62).

10.   With regards to claim 10, Hind teaches a method, further including the step of
measuring a strength of the signal (Signal Strength Triangulation; Column 7, Line 64)
received from the at least one other device (Client Devices; Column 2, Line 62) and
associating the strength of the signal with a measured distance [Locate Wireless Local
Area A Network (WLAN) Clients; Column 7, Lines 64-65].

11.   With regards to claim 11, Hind teaches a method, further including the step of

determining whether the measured distance (Inside or Outside; Column 7, Lines 28-29)

is within the predetermined range (Spatial Boundary; Column 7, Line 29) of distances.

12.   With regards to claim 12, Hind teaches a method, further including the step of

identifying a master device (Base Station; Column 4, Lines 25-26) in the wireless

network (Wifi Network; Column 2, Line 39).

13.   With regards to claim 13, Hind teaches a method, further including the step of

storing an identifier (An Enumerated List of these Devices can be Created, and a

System using techniques disclosed herein can then Test for the Devices on this List

Remaining within the Defined Boundary; Column 8, Lines 40-43) of the client device

(Client Device; Column 2, Line 50) and the at least one other device (Client Devices;

Column 2, Line 62) in a table (List; Column 8, Line 40) in the client device (Client

Device; Column 2, Line 50)..

14.   With regards to claim 14, Hind teaches an apparatus (WiFi Access Point; Column

4, Line 25) for authenticating (Security; Column 2, Line 38) a client device (Client

Device; Column 2, Line 50) in a wireless network (Wifi Network; Column 2, Line 39)

including at least one other device (Client Devices; Column 2, Line 62): means for

detecting (Detecting a Transmission; Column 5, Lines 2-3) a user action at the client

device (Client Device; Column 2, Line 50); means for receiving (Send a Signal; Column

8, Lines 48-49), at the client device (Client Device; Column 2, Line 50), a signal

transmitted (Send a Signal; Column 8, Lines 48-49) from the at least one other device

(Client Devices; Column 2, Line 62) in response to the user action (Detecting a

Transmission; Column 5, Lines 2-3); means for determining a distance between the

client device (Client Device; Column 2, Line 50) and the at least one other device (Client

Devices; Column 2, Line 62); and means for authenticating (Security; Column 2, Line

38) the client device (Client Device; Column 2, Line 50) and the at least one other

device (Client Devices; Column 2, Line 62) if the distance is within a preselected range

(Spatial Boundary; Column 2, Line 42) of distances.

15.   With regards to claim 15, Hind teaches an apparatus (Apparatus; Column 9, Line

28), wherein the means for determining a distance (Locate; Column 7, Line 64)

operates in response to a strength of the signal (Signal Strength Triangulation; Column

7, Line 64).

16.   With regards to Claim 17, Hind teaches a wireless device (Wireless Device;

Column 4, Line 9) for use in a wireless network (Wifi Network; Column 2, Line 39),

comprising: a memory (Stores; Column 6, Line 25) for storing a table (Table; Fig 7;

Column 6, Line 26) of identities of member devices of the wireless network (Wifi

Network; Column 2, Line 39), wherein the identity of each member device (Association

Identifier, 705; Fig 7; Column 6, Lines 39-40) is only stored (Stores; Column 6, Line 25)

in the table (Table; Fig 7; Column 6, Line 26) after the member device (Client Device;

Column 2, Line 50) is authenticated (Security; Column 2, Line 38), and wherein each

member device (Client Device; Column 2, Line 50) is only authenticated (Security;

Column 2, Line 38) if its physical proximity to another member (Remote Measurement

Point; Column 6, Line 15) of the wireless network (Wifi Network; Column 2, Line 39) is

within a preselected range (Spatial Boundary; Column 2, Line 42) that is less than

maximum communication range of the network during authentication (Security; Column

2, Line 38) of the respective member (Client Device; Column 2, Line 50).

17.   With regards to claim 18, Hind teaches a computer (Computes; Column 4, Line

59) having a memory (Stores; Column 6, Line 25) for storing computer readable

program code (Base Station's Processing Load; Column 5, Line 15) thereon, a

computer program (Computer Program; Column 9, Line 43) for authenticating (Security;

Column 2, Line 38) a client device (Client Device; Column 2, Line 50) for inclusion

(Allowed to Connect; Column 4, Line 37) in a wireless network (Wifi Network; Column 2,

Line 39), the computer program (Computer Program; Column 9, Line 43) including:

program code (Computer Program Instructions; Column 9, Line 42) operating

responsive (Function in a Particular Manner; Column 9, Line46) to a user action

(Detecting a Transmission; Column 5, Lines 2-3) at the client device (Client Device;

Column 2, Line 50) and at one other device (Client Devices; Column 2, Line 62) in the

wireless network (Wifi Network; Column 2, Line 39), for determining a distance between

the client device (Client Device; Column 2, Line 50) and the at least one other device

(Client Devices; Column 2, Line 62) in the wireless network (Wifi Network; Column 2,

Line 39); and program code for authenticating (Security; Column 2, Line 38) the client

device (Client Device; Column 2, Line 50) if the distance is within a preselected range

(Spatial Boundary; Column 2, Line 42) of distances.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code 103(a) not included in this action can
be found in a prior Office action.

18.   Claims 3, 9, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al. (US 7,212,828).

19.   With regards to claim 3, Hind teaches a method, wherein the transmission (Listens; Column 1, Line 47) of a signal (Beacon; Column 1, Line 48) to the client device (Client; Column 1, Line 44), fails to specifically teach that the above method occurs in response to the depression of at least one button on the client device (Client, Column 1, Line 44).

    However for Hind to activate synchronization with the WiFi Network, Hind would have to depress the button to turn on the Client Device. At least, this would be an extremely obvious manner to activate a feature.

    Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to utilize a button that would be depressed to turn the Client Device on by Hind.

20.   With regards to claim 9, Hind fails to specifically teach a method, wherein the client device (Client Device; Column 2, Line 50) is not authenticated (Security; Column 2, Line 38) if more than one signal (Beacon; Column 1, Line 48) is received during the step of waiting (Awaits; Column 1, Line 29).

However, at the time of Hind's invention the Strength of Received Signal (As Used By Vacon) or Vector Intersection of Signals (As Used By Hind) methods were both used to measure distances between Transmitters and Receivers. Hind used the Vector Intersection of Signals method, because Hind thought it was more accurate (Column 4, Lines 16-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made that either the Strength of Received Signal or Vector Intersection of Signals to measure distances between Transmitter and Receiver could have been used.   Using old and known alternative techniques to accomplish the same result, would have been obvious and does not rise to the level of patentability.

21.   With regards to claim 16, Hind fails to specifically teach a method, wherein the means for authenticating (Security; Column 2, Line 38) further includes means for determining that only one signal (Beacon; Column 1, Line 48) is received by the client device (Client Device; Column 2, Line 50) in response to the user action (Detecting a Transmission; Column 5, Lines 2-3).

However, at the time of Hind's invention the Strength of Received Signal (As Used By Vacon) or Vector Intersection of Signals (As Used By Hind) methods were both used to measure distances between Transmitters and Receivers. Hind used the Vector Intersection of Signals method, because Hind thought it was more accurate (Column 4, Lines 16-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made that either the Strength of Received Signal or Vector Intersection of Signals to measure distances between Transmitter and Receiver could have been used.

Response to Arguments

22.   Applicant's arguments with respect to claims 1-18 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

23.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thomas E. Satkiewicz whose telephone number is (571)

270-1948. The examiner can normally be reached on Monday to Thursday 6:30AM to

3:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas E Satkiewicz/
Examiner, Art Unit 2614

/Ahmad F. MATAR/
Supervisory Patent Examiner, Art Unit 2614